



USSN: 09/888,049
Atty. Dkt. No.: 9400-0013
Client Dkt. No.: PXE.013US

PATENT**CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on

July 12, 2004

Date

Mehela Hobson

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

FRANCIS et al.

Serial No.: 09/888,049

Filing Date: June 21, 2001

Title: COMPOSITIONS AND METHODS FOR
USE THEREOF IN MODIFYING THE
GENOMES OF MICROORGANISMS

Examiner: David Lambertson

Group Art Unit: 1636

Confirmation No.: 6970

Customer No.: 20855

POWER OF ATTORNEY BY ASSIGNEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

XENOGEN CORPORATION, assignee of the above-identified application by assignment (copy attached), hereby appoints Roberta L. Robins, Reg. No. 33,208 and Dahna S. Pasternak, Reg. No. 41,411 as its attorneys/agents with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Please address all further communications to Dahna S. Pasternak at the following address:

Customer No. 20855
ROBINS & PASTERNAK LLP
1731 Embarcadero Road, Suite 230
Palo Alto, CA 94303

Date: 7 July 04David R. Boyd
XENOGEN CORPORATION.Name: DAVID R. BOYD, Esq.Title: VICE-PRESIDENT, LICENSING & LEGAL SERVICES

ASSIGNMENT
Inventor**COPY**

WHEREAS, Kevin P. Francis and Anthony P. Purchio, hereinafter referred to as *ASSIGNORS*, have invented certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: COMPOSITIONS AND METHODS FOR USE THEREOF IN MODIFYING THE GENOMES OF MICROORGANISMS

Serial No: 09/888,049

Date: June 21, 2001

WHEREAS, XENOGEN CORPORATION, located at 860 Atlantic Avenue, Alameda, California 94501, hereinafter referred to as *ASSIGNEE*, is desirous of acquiring the entire right, title and interest in the said invention and application and in any Letters Patent which may be granted on the same;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to *ASSIGNORS* by *ASSIGNEE*, receipt of which is hereby acknowledged, *ASSIGNORS* has sold, assigned and transferred, and by these presents do sell, assign and transfer unto said *ASSIGNEE*, and *ASSIGNEE'S* successors and assigns, all right, title and interest in and to the said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions (including conversions claiming priority under 35 U.S.C. §119(c)), reissues, prolongations or extensions thereof, the said interest to be held and enjoyed by said *ASSIGNEE* as fully and exclusively as it would have been held and enjoyed by said *ASSIGNORS* had this assignment and transfer not been made, to the full end and term of any Letters Patent.

ASSIGNORS also agree that the U.S. serial number may be entered above by *ASSIGNEE* or its agents upon designation of the serial number by the U.S. Patent and Trademark Office.

ASSIGNORS further agree that they will, without charge to said *ASSIGNEE*, but at *ASSIGNEE'S* expense, cooperate with *ASSIGNEE* in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as *ASSIGNEE* lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said *ASSIGNEE*, or *ASSIGNEE'S* successors and assigns.

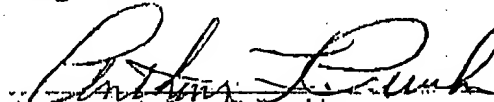
PATENT
Serial No. 09/888,049

IN TESTIMONY WHEREOF, ASSIGNORS have hereunto signed their names to this assignment on the dates indicated below.

DATE 9/6/01


Assignor - Kevin F. Francis

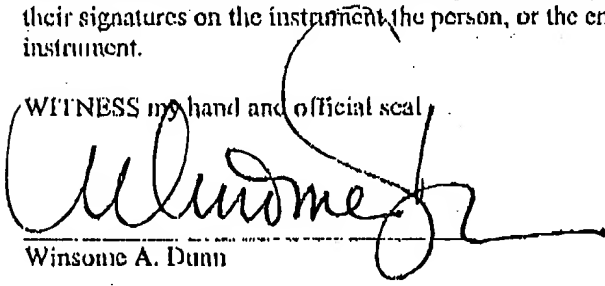
DATE 9-6-01


Assignor - Anthony F. Purchio

State of California)
) ss.
County of Alameda)

On September 6, 2001, before me, Winsome A. Dunn, Notary Public for the State of California, personally appeared Kevin P. Francis and Anthony F. Purchio personally known to me to be the persons whose names are subscribed to the within instrument and acknowledge to that they executed the same in their authorized capacities, and that by their signatures on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal


Winsome A. Dunn

